REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 4-7 and 17-27 have been objected to under 37 C.F.R. § 1.75(c) as being in improper form; Claims 1 and 8 have been rejected under 35 U.S.C. § 103 as being unpatentable over Henley in view of Kawanomoto and Hollemann; Claims 2 and 9-11 have been rejected under 35 U.S.C. § 103 as being unpatentable over Henley in view of Kawanomoto and Hollemann and Elson; and Claims 3 and 12-16 have been rejected under 35 U.S.C. § 103 as being unpatentable over Henley et al. in view of Kawanomoto and Hollemann and D'Souza. Claims 7-16 and 21-27 have been canceled, without prejudice, while new Claim 28 has been added and thus, Claims 1-6, 17-20 and 28 remain active.

Considering first then the Examiner's rejection of Claims 4-7 and 17-27 as being in improper form, it is to be noted that Claims 4-6 have now been amended as requested by the Examiner and Claim 7 has been canceled insofar as the language of such a claim has now been incorporated into Claim 1.

Considering next then the rejection of Claims 1 and 8 under 37 C.F.R. § 103 as being unpatentable over Henley et al. in view of Kawanomoto et al. and Hollemann, it is to be noted that the language of Claim 1 has now been amended to specify that the floor heating device comprises a filling layer, a first dampproofing sheet 36 spread on the upper surface of said filling layer 35; a floor mold concrete layer 37 provided on said first dampproofing sheet 36; a second dampproofing sheet 38 spread on the upper surface of said floor mold concrete layer 37; a heat insulator 39 formed of a plate-shaped foamed member provided on said second dampproofing sheet 38; a reinforcing mesh 42 provided on said heat insulator 39; and a heat accumulating layer 41 formed from one of mortar and concrete and provided with hot water pipes 43 fixed on said reinforcing mesh 42. In this regard, it is noted that page 25, line

5 refers to an upper filling layer 35, page 26, line 1 makes reference to heat accumulating layer 41. With regard to new Claim 28, the basis for this is found at page 26, line 1 which makes reference to a plywood member 44. Also please refer to page 26, line 5 which refers to structure member 30b. The functioning of the structure of new Claim 28 is discussed at page 42, line 18 which makes reference to a felt shrinkage absorber and at page 43, line 1 which makes reference to the energy-saving housing which is kept from deforming.

It is particularly noted that none of the above-noted references teach or disclose the above-emphasized combinations of structural limitations now added to Claim 1. In this regard, it is noted that the Examiner has cited Hollemann as teaching a floor heating device which can be installed in existing rooms without difficulty. In this regard, it is noted that Hollemann is designed for being placed on existing floors and thus is provided with a core cross-section of less than 2 mm, and preferably only 0.2-1.3 mm, as emphasized at column 1, lines 52-58. This is due to the fact that the hot water surface heating device set forth therein is designed to be retrofitted into existing homes and is thus formed of a plurality of coupled individually prefabricated plate-like assemblies forming a relatively thin layer which is therefore designed to be placed on the upper surface of existing floors. This is contrary to the present invention which is formed within the floor and is thus designed to have the flooring surface placed above the same, as illustrated in Figure 4, wherein it is readily evident that the floor heating device comprises a heat accumulating layer formed at a lower part of the floor part 4B and which supports the fact that such has to be embedded in the heat accumulation layer formed from mortar or concrete. This clearly differs from the structure shown in Hollemann as well as the remaining references of record and would not be obviously modifiable to meet Applicant's claimed invention.

Applicant further notes that Henley et al. is directed to an energy-saving housing and provides a teaching of a hot water surface heating device. To the contrary, however,

Kawanomoto et al. has been cited for teaching walling and ceiling/roof parts made from inorganic materials and a heat insulator made from organic foam materials. It has been further concluded in the Office Action that Kawanomoto et al. would be obviously combinable with Henley et al. Applicant notes, however, that Kawanomoto et al. is specifically directed to a panel and cargo compartment for a truck and has no suggestion for teaching that the structure shown therein can be utilized in a house of the type shown in either Henley et al. or Hollemann. In this regard, it is also noted that the only structure in Kawanomoto et al. that utilizes parts made of inorganic or organic heat insulating material is for the flooring 3 rather than for the walls or ceiling. In fact, the ceiling 8, 8 comprises gull-wing panels which are pivotable about the central portion of the truck body, as illustrated in Figure 1, and which is not shown as being provided with any insulation material. Thus, it is respectfully submitted that Kawanomoto et al. would not be obviously combinable with either Henley et al. or Hollemann insofar as such would destroy either of such references for their intended purpose and function if an attempt was made to combine the teachings of Kawanomoto et al. therewith. Moreover, even if such references were considered to be combinable, Kawanomoto et al. would teach providing walls and ceiling portions so as to have no insulation material, which is not what Applicant presently claims. In view of the foregoing, it is respectfully submitted that Claim 1 patentably defines over the above-noted references.

Considering next then the rejection of Claims 2 and 9-11 under 35 U.S.C. § 103 as being unpatentable over Henley et al. in view of Kawanomoto and Hollemann and Elson, it is respectfully submitted that Elson clearly fails to rectify the deficiencies of the remaining references, particularly insofar as Elson has been cited solely for the teaching of providing sealing parts for the heat transmission coefficient.

Next considering then the rejection of Claims 3 and 12-16 under 35 U.S.C. § 103 as being unpatentable over Henley et al. in view of Kawanomoto and Hollemann and D'Souza, it is respectfully submitted that D'Souza also fails to rectify the deficiencies of the remaining references and would not be obviously combinable with such references, particularly in view of the lack of a suggestion in any of the references as to the combinability of the separate features of each of such references.

Applicant further notes that the Examine has commented in the bottom portion of page 3 of the Office Action that Applicant has not disclosed that the dimensions claimed solve any stated problem or is for any particular purpose. To the contrary, however, it is to be noted that the discussion at page 10, lines 1-8 specify the criticality of these claim limitations and it is therefore submitted that, since no corresponding teaching or disclosure of these limitations is found in the prior art of record, thus limitations appearing in the claims also support patentability of such claims.

In view of the foregoing, an early and favorable Office Action is believed to be in order and the same is hereby respectfully requested.

Respectfully submitted,

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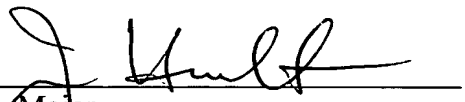

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